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RCE/1847  
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PTO/SB/30 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## Request For Continued Examination (RCE) Transmittal

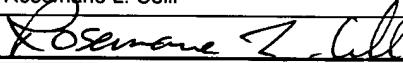
Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

<b>Application Number</b>	09/723,713
<b>Filing Date</b>	November 27, 2000
<b>Examiner Name</b>	Schenk, Dale B.
<b>First Named Inventor</b>	1647
<b>Art Unit</b>	Sharon L. Turner
<b>Attorney Docket Number</b>	15270J-004741US

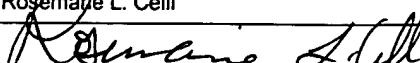
This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

<p>1. <b>Submission required under 37 CFR 1.114</b> Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).</p> <p>a. <input type="checkbox"/> Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.</p> <p>i. <input type="checkbox"/> Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____</p> <p>ii. <input type="checkbox"/> Other _____</p> <p>b. <input checked="" type="checkbox"/> Enclosed</p> <p>i. <input checked="" type="checkbox"/> Amendment/Reply</p> <p>ii. <input type="checkbox"/> Affidavit(s)/ Declaration(s)</p> <p>iii. <input type="checkbox"/> Information Disclosure Statement (IDS)</p> <p>iv. <input checked="" type="checkbox"/> Other Transmittal Form (PTO/SB/21) &amp; Fee Transmittal Form (PTO/SB/17)</p>	
<p>2. <b>Miscellaneous</b></p> <p>a. <input type="checkbox"/> Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(l) required)</p> <p>b. <input type="checkbox"/> Other _____</p>	
<p>3. <b>Fees</b> The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.</p> <p>a. <input type="checkbox"/> The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 20-1430</p> <p>i. <input type="checkbox"/> RCE fee required under 37 CFR 1.17(e)      06/05/2003 AWONDAF1 00000068 201430 09723713</p> <p>ii. <input type="checkbox"/> Extension of time fee (37 CFR 1.136 and 1.17)      01 FC:1801 750.00 CH</p> <p>iii. <input type="checkbox"/> Other _____</p> <p>b. <input type="checkbox"/> Check in the amount of \$ _____ enclosed</p> <p>c. <input type="checkbox"/> Payment by credit card (Form PTO-2038 enclosed)</p>	
<p><b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization of PTO-2038.</p>	

### **SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print /Type)	Rosemarie L. Celli	Registration No. (Attorney/Agent)	42,397
Signature			
	Date	June 2, 2003	

### **CERTIFICATE OF MAILING OR TRANSMISSION**

Express Mail Label: EV 338 446 609 US			
I hereby certify that this correspondence is being deposited with the United States Postal Service with "Express Mail Post Office to Address" service under 37 CFR 1.10 on this date May 27, 2003 and is addressed to:			
Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450			
Name (Print /Type)	Rosemarie L. Celli		
Signature			
	Date	June 2, 2003	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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Complete if Known

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# FEE TRANSMITTAL

## for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1680)

## METHOD OF PAYMENT (check all that apply)

 Check     Credit Card     MoneyOrder     Other     None  
 Deposit Account:
Deposit Account Number  
**20-1430**Deposit Account Name  
**Townsend and Townsend and Crew LLP**

The Commissioner is authorized to: (check all that apply)

- 
- Charge fee(s) indicated below
- 
- Credit any overpayments
- 
- 
- Charge any additional fee(s) during the pendency of this application
- 
- 
- Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity    Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$ )

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims     -\*\* =   = 

Extra Claims    Fees from below

Fee Paid

Independent Claims     -\*\* =   = Multiple Dependent     X  = 

Fee Description

Large Entity    Small Entity

Fee Code (\$)

Fee Code (\$)

Fee Description

Claims in excess of 20

Independent claims in excess of 3

Multiple dependent claim, if not paid

\*\* Reissue independent claims over original patent

\*\* Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ )

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity	Fee Code (\$)	Fee (\$)	Small Entity	Fee Code (\$)	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath			
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet			
1053	130	1053	130	Non-English specification			
1812	2,520	1812	2,520	For filing a request for reexamination			
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action			
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action			
1251	110	2251	55	Extension for reply within first month			
1252	410	2252	205	Extension for reply within second month			
1253	930	2253	465	Extension for reply within third month			930
1254	1,450	2254	725	Extension for reply within fourth month			
1255	1,970	2255	985	Extension for reply within fifth month			
1401	320	2401	160	Notice of Appeal			
1402	320	2402	160	Filing a brief in support of an appeal			
1403	280	2403	140	Request for oral hearing			
1451	1,510	1451	1,510	Petition to institute a public use proceeding			
1452	110	2452	55	Petition to revive – unavoidable			
1453	1,300	2453	650	Petition to revive – unintentional			
1501	1,300	2501	650	Utility issue fee (or reissue)			
1502	470	2502	235	Design issue fee			
1503	630	2503	315	Plant issue fee			
1460	130	1460	130	Petitions to the Commissioner			
1807	50	1807	50	Petitions related to provisional applications			
1806	180	1806	180	Submission of Information Disclosure Stmt			
8021	40	8021	40	Recording each patent assignment per property (times number of properties)			
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))			
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))			
1801	750	2801	375	Request for Continued Examination (RCE)			750
1802	900	1802	900	Request for expedited examination of a design application			
Other fee (specify) _____							

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 1680)

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Rosemarie L. Celli	Registration No. (Attorney/Agent)	42,397	Telephone	650-326-2400
Signature	<i>Rosemarie L. Celli</i>		Date	June 2, 2003	

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

61

Application Number	09/723,713
Filing Date	November 27, 2000
First Named Inventor	Schenk, Dale B.
Art Unit	1647
Examiner Name	Sharon L. Turner

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## ENCLOSURES (Check all that apply)

- Fee Transmittal Form (PTO/SB/17)  
(1 page, submitted in duplicate)
- Amendment (16 pages) w/attached Declaration if Martin Koller, M.D., M.P.H. (6 pages) and Curriculum Vitae (5 pages); other attachments to the Amendment are not enumerated here or included in "Total Number of Pages in this Submission"
- After Final
- Extension of Time Request (PTO/SB/22) (1 page)
- Express Abandonment Request
- Supplemental Information Disclosure Statement (2 pages) w/attached PTO/SB/08B (1 page), including cite nos. 349 (3 pages) and 350 (5 pages)
- Supplemental Information Disclosure Statement (4 pages) w/attached PTO/SB/08A (1 page) & PTO/SB/08B (3 pages), w/o cite nos. 304-348 & 351-359

- Seven Replacement Drawing Sheets
- Petition
- Petition to Convert to a Provisional Application
- Terminal Disclaimer
- Request for Refund
- CD, Number of CD(s)

- After Allowance Communication to Group
- Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- Proprietary Information

 Other Enclosure(s)  
(please identify below):

1. Supplemental Application Data Sheet (1 page);
2. Request for RCE (PTO/SB/30) (1 page); and,
3. Return Postcard (1 page).

## Remarks

The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Townsend and Townsend and Crew LLP Rosemarie L. Celli	Reg. No. 42,397
Signature		
Date	June 2, 2003	

## CERTIFICATE OF MAILING

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Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Typed or printed name	Rosemarie L. Celli
Signature	
Date	June 2, 2003

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